

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:05CR362
)	
V.)	
)	
KEITH L. DYSON,)	ORDER
)	
Defendant.)	
_____)	

This matter is before the court on defendant Keith L. Dyson's Motion to Vacate under 28 U.S.C. § 2255 (Filing No. 37). Upon review of the defendant's motion, the court concludes that defendant's motion is properly construed as a motion for a reduction of his sentence, and is not properly presented as a § 2255 motion. See Filing No. 37. In his motion, Dyson asks the court to reduce his sentence by ten years based on his "superior programing [sic] achievements" and "various vocational, technical, rehabilitative treatment, mental health, and exceptional service of performance duties in connection with institutional operations." Filing No. 37 at 3. The court, however, is without jurisdiction to consider his motion to reduce his sentence.

Pursuant to 18 U.S.C. § 3582(c), this court does not have jurisdiction to modify a term of imprisonment once it has been imposed, except in a limited number of exceptions, none of which apply to the present case. See 18 U.S.C. § 3582(c)(1) and (c)(2). Because the defendant has not presented any "extraordinary and compelling reasons [that] warrant such a reduction" 18 U.S.C. § 3582(c)(1)(A)(i), the court denies the defendant's motion.

IT IS ORDERED that defendant's motion to reduce his sentence, Filing No. 37, is denied.

DATED this 13th day of April, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Court Judge